

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.161 of 2021**

Arising Out of PS. Case No.-6 Year-2020 Thana- KANGLI District- West Champaran

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CHANDRAKANT KUMAR @ CHUMAN KUMAR Son of Surendra Sah
Resident of Village - Senuwaria, P.S.- Kangali, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Kumar No 7

For the Respondent/s : Mr.A.G

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 27-10-2021 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 23.09.2020 passed by learned 7th Additional District & Sessions Judge-cum-Special Judge (POCSO), Bettiah, West Champaran in ABP No. 1402 of 2020 whereby the prayer for bail of the appellant in connection with Kangali P.S. Case no. 06 of 2020 under Sections 341, 323, 354(A)(D), 379, 448, 504, section 8 of the POCSO Act and 506 of the Indian Penal Code and sections 3(i)(w) of the SC/ST Act was rejected.

Allegation against the appellant is of harassing the informant and giving threatening of dire consequences if she will not marry him.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is



love affair between the informant and the appellant. They have frequent talk and chat by the mobile phone. Informant is a major girl and as such the POCSO Act will not be applicable in this case. Appellant has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent.

The application for bail is opposed by learned Spl. P.P. for the State and submitted that this case is not fit for granting anticipatory bail.

It appears from the impugned order that appellant had harassed the informant with intention to marry her against the will of her parents and thereafter vide order dated 23.9.2020, the learned 7th Additional District & Sessions Judge-cum-Special Judge, (POCSO), Bettiah, West Champaran has rejected the anticipatory bail of the appellant.

In view of the above, this Court does not find any infirmity or illegality in the order of learned Court below.

Accordingly, the appeal with regard to the appellant for release on anticipatory bail is rejected.

However, if the appellant surrenders and prays for regular bail within a period of six weeks, the same shall be considered by the court below, without being prejudiced by the



order of this Court.

With the aforesaid observation/direction, the appeal
stands disposed off.

(Sunil Kumar Panwar, J)

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